

REMARKS

Claims 1-4, 8 and 10 have been rejected as being anticipated by U.S. Patent No. 4,288,958 to Chalmers et al. ("Chalmers et al."). In particular, the Official Action provides:

The term joist is defined within the Merriam's Webster's Collegiate Dictionary, tenth edition, page 632, as any of the small timbers or metal beams ranged parallel from wall to wall in a structure. As shown in figures 3-5, the part interpreted to be a joist rim (12) is a metal beam (aluminum- column 4, lines 66-68) ranged [sic] parallel from wall to wall (11-figures 1, 3-5) in a structure. Therefore, although Chalmers is considered to be interpreted as a joist rim by definition.

Responsive to this rejection Applicant submits that the above-advanced definition is being misinterpreted by the Examiner and, moreover, is for the term "joist" and not a "joist rim" as recited in claim 1. The definition provided in the Official Action omits the word **rim**. Applicant is herewith enclosing copies of the following documents wherein the terms "joist" and "rim joist"¹ are defined:

- Pages 1, 9 and 12 of the Lowe's Home Improvement Glossary which can be accessed at www.lowes.com/lowes/kln?action=pg&p=Improve/Glossary.html

As can be seen therein, the term "Joists" is defined as:

Horizontal framing members that **support a floor and/or ceiling**.

See Page 9 (emphasis added). The term "Rim Joist" is defined as:

The outermost joist in a structure's floor framing.

¹ The terms "joist rim" and "rim joist" are used synonymously in this construction industry to reference the same types of construction members.

See Page 12.

- Pages 1, 23 and 34 of the “Construction Glossary from Home Building Manual” which can be accessed at

<http://www.homebuildingmanual.com/Glossary.htm>

As can be seen therein, the term “Joist” is defined as follows:

Wooden 2x8’s, 10’s, or 12’s that run parallel to one another **and support a floor or ceiling**, and supported in turn by larger beams girders or bearing walls.

Page 23 (emphasis added). Although this definition refers to wooden members, the term “joist” is used interchangeably in the industry for referring to members performing the above-recited functions regardless of whether they are fabricated from wood or metal. The term “Rim Joist” is defined as follows:

A joist that runs around the perimeter of the floor and home.

Page 34.

The above-recited definitions are consistent with Applicant’s use of the terms “joist” and “joist rim” in the subject application. The definition cited by the Examiner can also be consistent with these definitions **if it is interpreted as follows**: “any of the small timbers or metal beams arranged parallel **to each other and extending** from **one** wall to **another** wall in a structure.”

The vertically extending stringers (12) of Chalmers et al. do not comprise “joists” as that term would be interpreted by a person of ordinary skill in the art and as used in Applicant’s disclosure. The vertical stringers (12) of Chalmers et al. do not extend between walls. Nor do the vertical stringers (12) of Chalmers et al. comprise horizontal framing members that support a

floor or ceiling. In addition, Chalmers et al. clearly fails to disclose a joist **rim** as recited in claim 1. Thus, because Chalmers et al. fails to disclose each and every element of claim 1 **as recited in the claim**, it cannot anticipate claim 1 or the claims that depend from claim 1.

With respect to the rejection of claim 5 as being obvious over Chalmers et al. in view of Liss, Applicant respectfully submits that, as was discussed above, Chalmers et al. fails to disclose the embodiment of the subject invention recited in claim 1. Moreover, Applicant further submits that there is no teaching to combine the Liss reference (which is vastly different from Chalmers et al.) with the Chalmers et al. patent. These reasons apply with equal force to the rejection of claims 6 and 7 over Chalmers and Kostecky and the rejection of claim 9 over Chalmers. Accordingly, *prima facie* cases of obviousness have not been established with respect to any of these claims and, therefore, Applicant traverses all of these rejections.

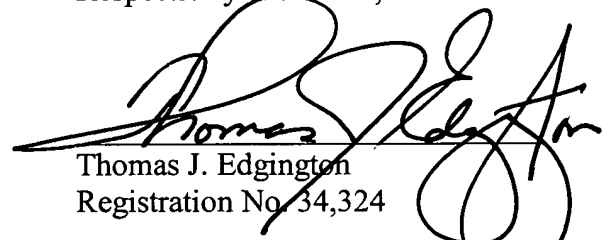
With respect to the objection relating to claim 10, Applicant has amended that claim to clarify that at least one of the joist attachment tabs comprises a portion of the web that is bent outward from another portion of the web at an angle. Applicant submits that such amendment addresses the objection presented in the Official Action. .

Applicant has made a diligent effort to respond to the rejections and objection presented in the Official Action and submits that all of the pending claims are in condition for allowance. Accordingly, reconsideration and withdrawal of such rejections and passage to allowance of all the pending claims are earnestly solicited. If the Examiner has any remaining concerns

Application No. 10/601,404
Amendment in Response to Office Action of May 10, 2005

concerning the patentability of any of the claims, she is invited to contact the undersigned at the telephone number set forth below, so those concerns may be expeditiously addressed.

Respectfully submitted,



Thomas J. Edgington
Registration No. 34,324
Attorney for Applicant

Kirkpatrick & Lockhart Nicholson Graham LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222

(412) 355-8303


[CART](#) | [REGISTER](#) | [LOG IN](#)
[GIFT CARDS](#) | [GIFT ADVISOR](#) | [INSTALLATION SERVICES](#) | [STORE LOCATIONS](#) | [WEEKLY ADS](#)

[Appliances](#) ▾

[Indoors](#) ▾

[Outdoors](#) ▾

[Building Products](#) ▾

[Tools](#) ▾

[Project Planning](#) ▾

Welcome!
[Shop Lowes.com](#)
Appliances

- [Dehumidifiers](#)
- [Refrigerators](#)
- [Washers and Dryers](#)
- [More...](#)

Indoors

- [Ceiling Fans](#)
- [Lighting](#)
- [Sinks and Faucets](#)
- [More...](#)

Outdoors

- [Lawn and Garden](#)
- [Outdoor Patio Furniture](#)
- [Outdoor Power Equipment](#)
- [More...](#)

Building Products

- [Doors and Windows](#)
- [Fencing](#)
- [Lumber](#)
- [More...](#)

Tools

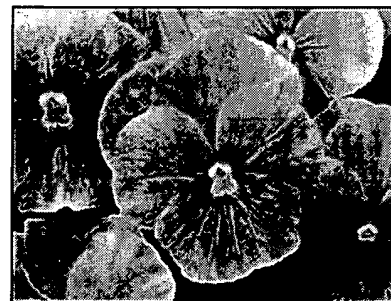
- [Combo Kits](#)
- [Hand Tools](#)
- [Power Tools](#)
- [More...](#)

Project Planning

- [How-To Clinics](#)
- [How-To Library](#)
- [Interactive Design Tools](#)
- [Product Buying Guides](#)
- [More...](#)

Home Improvement Glossary

The definitions in this glossary are provided as an aid to assist you with unfamiliar terms. Tools, products, materials, techniques, building codes and local regulations vary; therefore the reader must always exercise reasonable caution, follow applicable codes and regulations, and is urged to consult with a professional if in doubt about any terms or procedures.



Scroll to find the definition you're looking for or click the first letter of the term.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

ABS pipe: Black plastic pipe sometimes used as drainage pipe in plumbing systems.

Air Space: The area between insulation facing and interior of exterior wall coverings. For best results, manufacturers recommend filling this space with insulation and allowing at least 3/4" air space in installing reflective faced insulation.

Amp: A measure of the amount of electrical current going through a circuit at any given time. Also see [volt](#) and [watt](#).

Back-up system: Auxiliary heating equipment that kicks in when the main unit--usually a heat pump or solar setup--can't handle the full load.

Balancing: Fine-tuning the air flow of a heating/cooling system to even up the delivery through a home.

Balusters: Spindles that help support a handrail.

Bat: A half-brick.

Batt: A section of fiber-glass or rock-wool insulation measuring 15 or 23 inches wide by four to eight feet long.

incandescent lamps.

Hip roof: A roof with four sloping sides.

Hoop stake: A long, thin, metal post with a perpendicular ring of wire at the top, which serves as a support for tall-growing flowers.

Hot wire: The wire that carries electrical energy to a receptacle or other device--in contrast to a neutral, which carries electricity away again. Also see ground.

Incandescent lamp: A lamp employing an electrically charged metal filament that glows at white heat.

Inside corner: The point at which two walls form an internal angle, as in the corner of a room.

Interior finish: Any coverings that cover the interior walls of a house. Examples are drywall, paneling, etc.

Jack post: A type of structural support made of metal, which can be raised or lowered through a series of pins and a screw to meet the height required. Basically used as a replacement for an old supporting member in a building.

Jambs: The top and sides of a door, window, or other opening. Includes studs as well as the frame and trim.

Joint compound: A synthetic-based formula used in combination with paper tape to conceal joints between drywall panels. Also see taping.

Joists: Horizontal framing members that support a floor and/or ceiling.

Kilowatt (kw): One thousand watts. A *kilowatt hour* is the base unit used in measuring electrical consumption. Also see watt.

Laminating: Bonding together two or more layers of materials.

Latch: A beveled metal tongue operated by a spring-loaded knob or lever. The tongue's bevel lets you close the door and engage the locking mechanism, if any, without using a key. Contrasts with dead bolt.

Lath: Strips of wood, expanded metal mesh, or a special drywall that serve as a base for plaster or stucco.

Level: True horizontal. Also a tool used to determine level.

Life: The average number of hours a bulb will burn.

hefty posts and beams to support an entire structure. Contrasts with stud framing.

Pressure-treated wood: Lumber that has been saturated with a preservative.

Primer: A first coating formulated to seal raw surfaces and hold succeeding finish coats.

Propagate: To grow new plants from old ones by using one of a variety of methods.

PVC (polyvinyl chloride): A type of plastic pipe that's suitable for cold water, but not hot.

Rabbet: *n.* a recess cut into the edge of a board into which another piece fits to form a rabbet joint. *v.* to cut a rabbet. To join by means of a rabbet joint.

Radiation: Energy transmitted from a heat source to the air around it. So-called "radiators" actually depend more on convection than radiation.

Rafters: Parallel framing members that support a roof.

Rail: Any relatively lightweight horizontal element, especially those found in fences. Also the horizontal pieces between panels in a panel door.

Rake board : Fascia board that covers the far left and right rafters on a roof.

Retaining wall: A barrier created with stones, timbers, or boards, prevent the erosion of soil on steep slopes.

Ridge board: The topmost beam at the peak of a roof to which rafters tie.

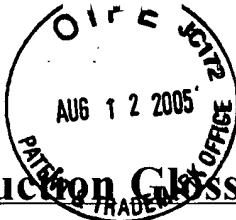
Rim joist: The outermost joist in a structure's floor framing.

Rise: The vertical distance from one point to another above it; a measurement you need in planning a stairway or ramp. Also see run.

Riser: The upright piece between two stairsteps. Also see tread.

Roof decking: Subsurface material on which roof shingles or built up roofing is applied. Some roof decking is made with one side finished to serve as both roof deck and finished ceiling.

Roof sheathing: The sheets or boards for sheathing over rafters. Also called roof decking, roof underlayment.



Construction Glossary from Home Building Manual

You're Guest Number s.....since August 1, 1999. Thanks for visiting!

Click here-> [Home Building Manual](#) if you want to [Build a Quality Home](#) or have one built for you!

This Construction Glossary is free to everyone, courtesy of [Home Building Manual](#) **

** (If you use this Glossary (or anything else at this site), please give www.HomeBuildingManual.com credit. Please feel free to link to this site! Thanks. Frank)

(Click on any letter below) A/C

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A/C- An abbreviation for air conditioner or air conditioning.

A/C Condenser- The outside fan unit of the Air Conditioning system. It removes the heat from the freon gas and "turns" the gas back into a liquid and pumps the liquid back to the coil in the furnace.

A/C Disconnect- The main electrical ON-OFF switch near the A/C Condenser.

Aerator- The round screened screw-on tip of a sink spout. It mixes water and air for a smooth flow.

Aggregate- A mixture of sand and stone and a major component of concrete.

Air space - The area between insulation facing and interior of exterior wall coverings. Normally a 1" air gap.

Allowance(s) - A sum of money set aside in the construction contract for items which have not been selected and specified in the construction contract. For example, selection of tile as a flooring may require an allowance for an underlayment material, or an electrical allowance which sets aside an amount of money to be spent on electrical fixtures.

Amortization - A payment plan by which a loan is reduced through monthly payments of principal and interest.

Anchor bolts- Bolts to secure a wooden sill plate to concrete , or masonry floor or wall.

Annual Percentage Rate (APR)- Annual cost of credit over the life of a loan, including interest, service charges, points, loan fees, mortgage insurance, and other items.

Appraisal An expert valuation of property.

Jack rafter- A rafter that spans the distance from the wall plate to a hip, or from a valley to a ridge.

Jamb- The side and head lining of a doorway, window, or other opening. Includes studs as well as the frame and trim.

Joint- The location between the touching surfaces of two members or components joined and held together by nails, glue, cement, mortar, or other means.

Joint cement or Joint compound- A powder that is usually mixed with water and used for joint treatment in gypsum-wallboard finish. Often called "spackle" or drywall mud.

Joint tenancy- A form of ownership in which the tenants own a property equally. If one dies, the other automatically inherits the entire property.

Joint trench- When the electric company and telephone company dig one trench and "drop" both of their service lines in.

Joist- Wooden 2 X 8's, 10's, or 12's that run parallel to one another and support a floor or ceiling, and supported in turn by larger beams, girders, or bearing walls.

Joist hanger- A metal "U" shaped item used to support the end of a floor joist and attached with hardened nails to another bearing joist or beam.

Jumpers- Water pipe installed in a water meter pit (before the water meter is installed), or electric wire that is installed in the electric house panel meter socket before the meter is installed. This is sometimes illegal.

K Back to Top

A B C D E F G H I J K L M N O P Q R S T U V W Y Z

Keeper- The metal latch plate in a door frame into which a doorknob plunger latches.

Keyless- A plastic or porcelain light fixture that operates by a pull string. Generally found in the basement, crawl space, and attic areas.

Keyway- A slot formed and poured on a footer or in a foundation wall when another wall will be installed at the slot location. This gives additional strength to the joint/meeting point.

Kilowatt (kw)- One thousand watts. A kilowatt hour is the base unit used in measuring electrical consumption. Also see watt.

King stud- The vertical "2 X's" frame lumber (left and right) of a window or door opening, and runs continuously from the bottom sole plate to the top plate.

Knot- In lumber, the portion of a branch or limb of a tree that appears on the edge or face of the piece.

Reducer- A fitting with different size openings at either end and used to go from a larger to a smaller pipe.

Reflective insulation- Sheet material with one or both faces covered with aluminum foil.

Refrigerant- A substance that remains a gas at low temperatures and pressure and can be used to transfer heat. Freon is an example and is used in air conditioning systems.

Register- A grill placed over a heating duct or cold air return.

Reglaze- To replace a broken window.

Relief valve- A device designed to open if it detects excess temperature or pressure.

Remote- Remote electrical, gas, or water meter digital readouts that are installed near the front of the home in order for utility companies to easily read the home owners usage of the service.

Retaining wall- A structure that holds back a slope and prevents erosion.

Retentions- Amounts withheld from progress billings until final and satisfactory project completion.

R factor or value- A measure of a materials resistance to the passage of heat. New homewalls are usually insulated with 4" of batt insulation with an R value of R-13, and a ceiling insulation of R-30.

Ribbon (girt)- Normally a 1 X 4 board let into the studs horizontally to support the ceiling or second-floor joists.

Ridge- The horizontal line at the junction of the top edges of two sloping roof surfaces.

Ridge board- The board placed on the ridge of the roof onto which the upper ends of other rafters are fastened.

Ridge shingles- Shingles used to cover the ridge board.

Rim joist- A joist that runs around the perimeter of the floor joists and home.

Rise- The vertical distance from the eaves line to the ridge. Also the vertical distance from stair tread to stair tread (and not to exceed 7 ½").

Riser- Each of the vertical boards closing the spaces between the treads of stairways.

Riser and panel- The exterior vertical pipe (riser) and metal electric box (panel) the electrician provides and installs at the "Rough Electric" stage.

Road base- A aggregate mixture of sand and stone.

Rock 1, 2, 3- When referring to drywall, this means to install drywall to the walls and ceilings (with nails and screws), and before taping is performed.

Roll, rolling- To install the floor joists or trusses in their correct place. (To "roll the floor" means to